

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided.

Applicants note that a Request for Continued Examination and a Supplemental Information Disclosure Statement are being filed concurrently herewith.

Upon entry of the above amendments, claim 1 will have been amended. Claims 1-8 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

On pages 2-4 of the Official Action, claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over NAKAMURA et al. (U.S. Patent No. 5,877,892) in view of KUSAKA (U.S. Patent No. 5,578,812).

Applicants respectfully traverse the rejection of claims 1-8 under 35 U.S.C. § 103(a).

Claim 1, as presently amended, includes, inter alia, " . . . a distance measuring system which measures a distance to said sighting object; a phase detection autofocus system which detects a focus state of an image of said sighting object on a reference focal plane; an AF driver which moves a focusing lens of said sighting telescope optical system to bring said sighting object into focus in accordance with an output of said phase detection autofocus system; a selector for setting a consecutive distance

measurement mode in which said distance measuring system performs plural measurements of distances to said sighting object; and a controller which coordinates focusing operations of said AF driver with distance measuring operations of said distance measuring system in the consecutive distance measurement mode, such that said AF driver operates concurrently with distance measuring operations of said distance measuring system."

As is acknowledged by the Examiner, NAKAMURA et al. fails to disclose a *selector for setting a consecutive distance measurement mode in which a distance measuring system performs plural measurements*. As is further acknowledged by the Examiner, NAKAMURA et al. also fails to disclose a *controller which coordinates focusing operations of an AF driver with distance measuring operations of a distance measuring system in a consecutive distance measurement mode*.

In addition to the above noted deficiencies in the teachings of NAKAMURA et al., Applicants submit that neither of NAKAMURA et al. nor KUSAKA disclose an *AF driver which operates concurrently with distance measuring operations of a distance measuring system*.

As an initial matter, Applicants submit that the camera disclosed in KUSAKA is not analogous to the surveying instrument disclosed in NAKAMURA et al. Accordingly, Applicants submit that one of ordinary skill in the art would not have looked to the teachings of KUSAKA for modifying the surveying instrument disclosed in NAKAMURA et al.

Applicants further submit that KUSAKA does not disclose a distance measuring system which is separate from a phase detection autofocus system, much less a *consecutive distance measurement mode in which a distance measuring system performs plural measurements*. Instead, Applicants submit that KUSAKA is directed to focus detection system of a camera, rather than a distance measuring system, and that in the system of KUSAKA a distance can only be determined indirectly from the position of a lens and a detected amount of defocus (see column 21, lines 34-40). Accordingly, contrary to the position stated by the Examiner, KUSAKA does not teach a *selector for setting a consecutive distance measurement mode in which a distance measuring system performs plural measurements*, much less a *controller which coordinates focusing operations of an AF driver with distance measuring operations of a distance measuring system in a consecutive distance measurement mode*.

Applicants further submit, as noted above, that neither of NAKAMURA et al. nor KUSAKA disclose *an AF driver which operates concurrently with distance measuring operations of a distance measuring system*. In this regard, Applicants further note that NAKAMURA et al. does not disclose *concurrent* operation of an AF driver and a distance measuring system.

Accordingly, for at least the above noted reasons, Applicants submit that the subject matter of claim 1 would not have been obvious to one of ordinary skill in the art in view of the teachings of NAKAMURA et al. and KUSAKA.

Applicants also submit that dependent claims 2-8, which are patentable at least due to their dependency from claim 1, for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record.

For example, it is clear that NAKAMURA et al. lacks at least the additional subject matter recited in claims 3 and 4. For example, contrary to the Examiner's position, Applicants submit that the *autofocus mode* and the *distance measurement mode* are separate modes and do not inherently start at the same time.

Accordingly, Applicants submit that the rejection of claims 1-8 under 35 U.S.C. § 103(a) is improper at least for each, and certainly for all, of the above reasons. Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Kenji KANEKO et al.



Daniel B. Moon

Bruce H. Bernstein
Reg. No. 29,027

Reg. No. 48,214

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191